REMARKS

[0003]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-13, 19-29, and 31-40 are presently pending. Claims amended herein are 1, 13, 19, and 31-40. No claims are withdrawn, canceled, or added herein.

Statement of Substance of Interview

[0004]   The Examiner graciously talked with me—the undersigned representative for the Applicant—on 11/25/08. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005]   During the interview, I discussed how the claims differed from the cited references, namely Davis and Hartman. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006]   I understood the Examiner to tentatively concur that differences existed between the claims and the disclosure of the cited references, but that he would have to review the cited art more carefully and/or perform an updated search.

[0007]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

SUBSTANTIVE MATTERS

Claim Rejections under § 112 2nd ¶

[0010] Claims 31-40 are rejected under 35 U.S.C. § 112, 2nd ¶. Applicant respectfully traverses this rejection. Furthermore, in light of the agreements reached during the interview of 11/25/08, Applicant submits that these rejections are moot.

[0011] During the interview, Applicant's representative noted that the rejected claims do invoke §112 6th¶, as the Examiner presumed. However, under §112 6th¶, the "steps for" language does not "bring in the structure of an apparatus claim", as the Examiner asserts. §112 6th¶ requires the Examiner to construe the "steps for" to cover the corresponding *acts* described in the specification as can be seen from the following:

> "An element in a claim for a combination may be expressed as a means *or step for* performing a specified function without the recital of structure, material, or acts in support thereof, *and such claim shall be construed to cover the corresponding* structure, material, or *acts described in the specification* and equivalents thereof" (§112 6th ¶, emphasis added).

[0012] The Examiner concurred. Accordingly, Applicant requests the Examiner withdraw the rejection of claims 31-40.

Claim Rejections under § 101

[0013] Claims 13 and 31-40 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. In light of the amendments presented

herein, and the agreements reached during the interview of 11/25/8, Applicant respectfully submits that these claims fully comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0014]   If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under § 102 and § 103

[0015]   The Examiner rejects claims 1-11, 13-15, 17-27 and 29-39 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0016]   In addition, the Examiner rejects claims 12, 16, 28 and 40 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0017]   Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

[0018] The Examiner's rejections are based upon the following references alone and in combination:

- **Davis:** *Davis, et al.,* US Patent No. 6,931,532 (issued August 16, 2005); and

- **Hartman:** *Hartman, et al.,* US Patent No. 6,807,636 (issued October 19, 2004).

ANTICIPATION REJECTIONS

[0019]   Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1]   Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

Based upon Davis

[0020]   The Examiner rejects claims 1-11, 13-15, 17-27 and 29-39 under 35 U.S.C. § 102(e) as being anticipated by Davis.   Applicant respectfully traverses the rejection of these claims.   Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0021]   Applicant submits that Davis does not anticipate claim 1 because it does not disclose the following elements as recited in this claim (with emphasis added):

- "***selecting a first set of security information*** from a first plurality of sets of security information as a function of a property of the message, wherein the first set of security information comprises security settings"

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

- "***selecting a second set of security information*** from a second plurality of sets of security information as a function of the first set, wherein the second set of security information comprises security settings"

[0022]   The Examiner indicates (Action, p. 5-6) the following with regard to this claim:

Regarding claim 1, Davis discloses:

A method, comprising:

receiving a message (column 14, lines 39-54), wherein a document (message) is received before the security policies are applied;

selecting a first set of security information (Figure 7A, block 705, column 20, lines 38-42: "element definition") from a first plurality of sets of security information (column 20, lines 45-46: there are multiple element definitions) as a function of a property of the

selecting a second set of security information (Figure 7A, block 710, column 20, lines 45-49: a policy object definition is retrieved) from a second plurality of sets of security information (column 20, lines 45-57: multiple policy objects relating to multiple element definitions) as a function of the first set (column 20, lines 45-57), wherein policy object is derived from the element definition; and

applying the second set of security information to the message (Figure 7, block 715, column 21, lines 27-33), wherein the policy object defines if encryption is necessary and the strength of encryption, and then processes the document to encrypt the necessary data elements per the associated policy.

[0023]   In traversal, Applicant notes that Davis describes using various elements from a DTD to apply security policies to a document created according to the DTD (Fig 7A, Abstract). The Examiner concedes, in his "Response to Arguments" that the DTD element definitions merely reference a stored policy enforcement object (Action p. 3). Applicant notes that the element definitions

are not "selected" when the document is parsed. It is the referenced "policy enforcement objects" (Col. 14. ll. 33-38) which are selected as the DTD element definitions are merely provide "association" (Col. 12 ll. 49-63).

[0024] In view of this, the reference describes neither "a second set of security information" that is "select[ed]" nor the "selecting a second set of security information... as a function of the first set" as claimed.

[0025] During the interview, I understood the Examiner to concede these points.

[0026] Consequently, Davis does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-13

[0027] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim, which depends from an allowable base claim, is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 19

[0028] Applicant submits that Davis does not anticipate claim 19 because it does not disclose the following features as recited in this claim (with emphasis added):

- "a first datastore **_to include a first plurality of sets of security settings_** related to an application residing in the system, wherein the first plurality of sets define messages that must be secured"

- "a second datastore **_to include a second plurality of sets of security settings_**, wherein the second plurality of sets specify settings and operations for securing messages, and wherein a set of the first plurality of sets is associated with a set of the second plurality of sets"

[0029] The Examiner indicates (Action, p. 5-6) the following with regard to this claim:

Regarding claim 19, Davis discloses:

A system comprising:

a first datastore to include a first plurality of sets of security information (column 20, lines 45-46: _there are multiple element definitions_) related to an application residing in the system (column 20, lines 45-57), _wherein policy object is derived from the element definition_;

a second datastore to include a second plurality of sets of security information (Figure 7A, block 710, column 20, lines 45-49: _a policy object definition is retrieved_), wherein a set of the first plurality of sets is associated with a set of the second plurality of sets (column 20, lines 45-57), _wherein policy object is derived from the element definition_; and

a module to select a first set from the first plurality of sets as a function of a property of a received message (Figure 3, column 14, lines 28-38), _wherein an element definition is define in the XML document (message)_.

[0030]   In traversal, Applicant reiterates that the reference does not describe a "a second plurality of sets of security settings."

[0031]   The process Davis discloses uses a stylesheet processor to parse a source document and create a new XML formatted document according to a document type definition (DTD) (Abstract).   Davis discloses that security is applied to portions of the new document based on the definitions of the XML elements (Col 12 ll 34-35) and as can be seen by the process depicted in figure 7A below:
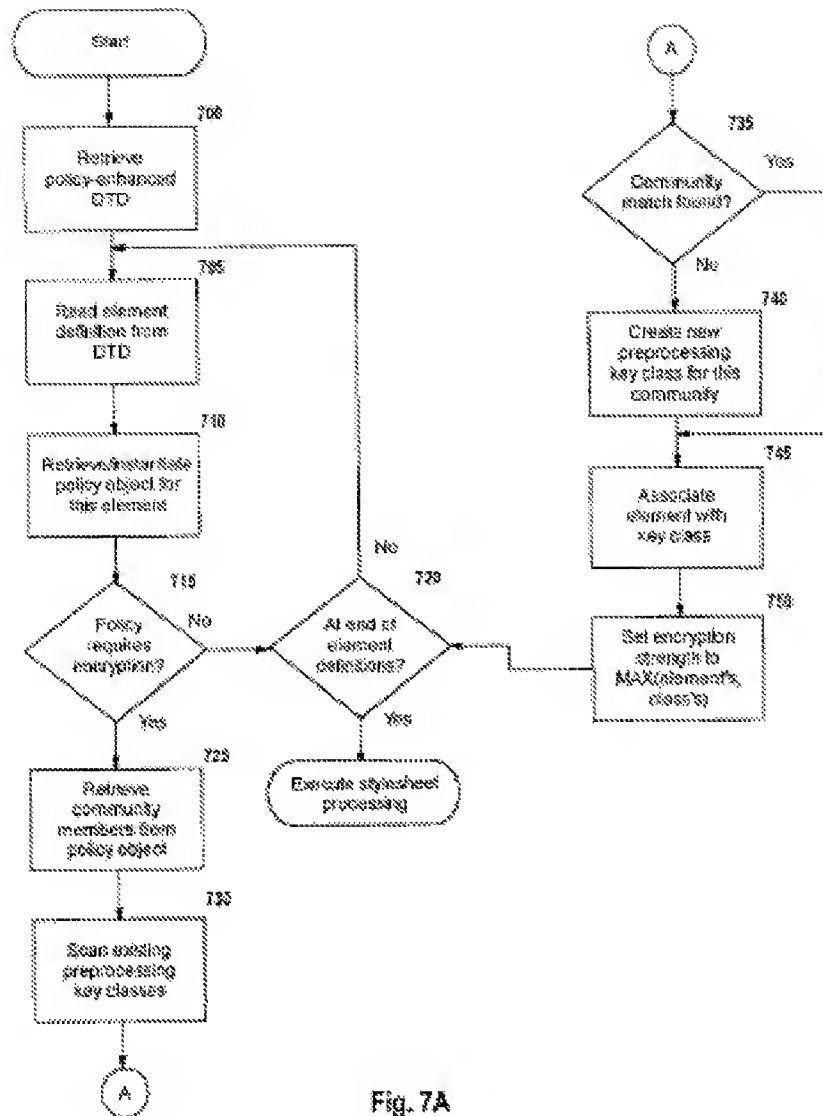
Fig. 7A

[0032] The Examiner relies upon the element definitions (box 705 above) as being the first set of security settings. Applicant disagrees. As noted during the interview of 11/25/08, element definitions at best represent a *mapping to* security settings depicted by box 710 in the process. As such Davis only discloses a singular set of security settings.

[0033] During the interview, I understood the Examiner to concede these points.

[0034] Consequently, Davis does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 20-29

[0035] These claims ultimately depend upon independent claim 19. As discussed above, claim 19 is allowable. It is axiomatic that any dependent claim, which depends from an allowable base claim, is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 31

[0036] Applicant amends independent claim 31 herein. Applicant submits that the rejection of independent claim 31 is rendered moot at least because of the amendments made herein, and further asserts that the cited references do not anticipate or render obvious at least the following features as recited in this claim (with newly added portions underlined):

- "steps for receiving a message"
- "steps for selecting a first set of security information from a first plurality of sets of security information as a function of a property of the message, wherein the first set of security information comprises security settings that define types of messages that must be secured

and wherein the types of messages that must be secured are defined and provided by an application developer"

- "steps for selecting a second set of security information from a second plurality of sets of security information as a function of the first set, wherein the second set of security information comprises security settings that specify particular operations and settings for securing the messages, wherein the particular operations and settings comprise algorithms to be used in signing and encrypting the messages" and

- "steps for applying the second set of security information to the message."

- "*selecting a second set of security information* from a second plurality of sets of security information as a function of the first set, wherein the second set of security information comprises security settings"

[0037]   Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 32-40

[0038]   These claims ultimately depend upon independent claim 31. As discussed above, claim 31 is allowable. It is axiomatic that any dependent claim, which depends from an allowable base claim, is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Obviousness Rejections

Based upon Davis and Hartman

[0039] The Examiner rejects claims 12, 16, 28, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Hartman. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0040] Firstly, Applicant notes that claim 16 was canceled in the communication filed 5/19/08.

[0041] The remaining claims ultimately depend upon independent claims 1, 19, and 31 respectively. As discussed above, claims 1, 19, and 31 are allowable. It is axiomatic that these dependent claims are therefore allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Dependent Claims

[0042] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0043] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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